

COCP No.3125 of 2017
Date of Decision: 4.4.2019

Manjeet Singh and another

.....Petitioners

Versus

Jaspreet Kaur and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate, for the petitioners.

Mr. Aditya Sharda, Assistant Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

This order will dispose of two contempt petitions bearing COCP Nos.3125 and 3126 of 2017, as common question of law and facts are involved therein. However, the facts have been taken from COCP No.3125 of 2017.

The present contempt petition has been filed for non-compliance as well as violation of the order dated 21.7.2017, vide which, the interim order was passed in the same terms as in CWP No.19963 of 2014. A perusal of the order passed in CWP No.19963 of 2014 shows that the respondents were directed to consider the case of the petitioners in view the interim order passed by the Hon'ble Apex Court, which is reproduced as under:-

“Keeping in view the submissions made by learned counsel for the petitioners that the interim order passed by Hon'ble the Apex Court was in reference of the employment and admission and the degree obtained through Distance Education mode was under challenge as promotion is also a

condition of service and same is applicable in the case of promotion also, the respondents are directed to consider the case of the petitioners in view of observations as made above subject to giving an undertaking by them.

Adjourned sine-die.

To be listed for hearing on decision of SLP on moving an application by either side.

A photocopy of this order be placed on the files of other connected cases.”

Learned counsel for the State on the last date of hearing had filed reply stating therein that the petitioners cannot be considered in view of the judgment rendered in case of Orissa Lift Irrigation Corporation Ltd. vs. Rabi Shankar Patro and others, passed in MA Nos.1795-1796 of 2017 in Civil Appeal Nos.17869-17870 of 2017 decided on 22.1.2018, whereas, learned counsel for the petitioner pointed out that the judgment rendered by this Court in the case of Pardeep Kumar vs. State of Haryana and others, passed in CWP No.12299 of 2017, decided on 21.8.2018, was passed on the basis of Orissa Lift Irrigation Corporation Ltd.'s case (supra), in which it was clarified that courses with respect to the diploma were not the subject matter before Hon'ble the Supreme Court. Accordingly, the respondents were directed to pass a fresh order.

Today, learned counsel for the State placed on record a fresh order dated 2.4.2019, vide which, the claim of the petitioner has been rejected on the ground that the case pertains to the validity of the diploma obtained by the petitioners and the question that arises is as to whether the diploma set up by them for their promotion are valid and approved by the

AICTE or not and these institutions are yet to be recognized by the AICTE.

Learned counsel for the petitioners, however, states that the respondents could not have rejected on the ground as approval has already been granted by the AICTE.

Be that as it may, in these circumstances, this Court is not in a position to conclude that the said speaking order is in violation or is a willful violation of the order sought to be complied with.

Accordingly, present contempt petitions are dismissed.

Rule issued against the respondents stand discharged.

However, the petitioners are at liberty to challenge the order dated 2.4.2019 in accordance with law. In any case, the writ petitions are still pending and the petitioners are always at liberty to agitate and raise all the pleas before the Bench, where the writ petitions are pending.

(NIRMALJIT KAUR)
JUDGE

4.4.2019
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No